

Remarks

The § 112 Rejections of Claims 2 and 3

The Examiner has rejected Claims 2 and 3 as unpatentable under 35 U.S.C. § 112, first paragraph stating that the specification does not reasonably provide support for the use of one support bracket (as claimed in Claim 2) and for the use of one support rail (as recited in Claim 3). Applicants respectfully traverse these rejections and request reconsideration.

Applicants respectfully submit that it is well within the knowledge of a person of ordinary skill in the art to fabricate a one-piece support bracket, as claimed in Claim 2, that would perform the functions of the brackets 94 described in the instant specification (see Paragraph 0086) and depicted in Figure 9. Applicants courteously point out that Figure 9 also depicts sink fixture 90 which is a one-piece component that incorporates an integral sink, an orifice to accommodate securing bolt 80 and a second orifice to allow for a drain connection to the integrated sink. The variety of components that comprise sink fixture 90 include not only the elements listed above but also a shape that incorporates such intricate formations as separate shelves vertically stacked on both sides of sink fixture 90 and a handle or bar that extends around the largest part of the perimeter of sink fixture 90. Applicants respectfully submit that, as demonstrated by the relatively complex configuration of sink fixture 90, it was well within the skill of a person of ordinary skill in the art to fabricate a one-piece sink bracket 94. For example, it is well within the scope of skill of a person of ordinary skill in the art to fabricate a one piece vertical body, similar to the vertical portion of sink fixture 90, that includes the two horizontal brackets 94 shown in Figure 9. Further, as demonstrated by the orifices or holes placed in one-piece sink fixture 90, holes can be readily placed in a one-piece bracket to accommodate components analogous to rod 98 and gears 96, both shown in Figure 9. Finally, Applicants respectfully point out that it was well within the scope of a person of ordinary skill in the art at the time the invention was made to manufacture a one-piece bracket, analogous to brackets 94, that would further include a hole analogous to washer 82 through which securing bolt 80 would be inserted. Applicants respectfully submit that if it was within the scope of a person of ordinary skill in the art at the time the invention was made to fabricate a one-piece sink fixture such as

Serial No. 09/881,258
Attorney Docket No. RESP:103aUS
Reply to Office Action of November 17, 2003

sink fixture 90 depicted in Figure 9, it was certainly within the skill of a person of ordinary skill in the art to fabricate a one-piece bracket analogous to brackets 94 that would perform the functions of brackets 94 and would conceivably be of simpler configuration than sink fixture 90 in that it would lack the shelf system of sink fixture 90. Applicants respectfully request reconsideration.

Similarly, Applicants respectfully submit that, at the time the invention was made, it was well within the skill of a person of ordinary skill in the art to construct a sink fixture supported by a single support rail performing the same functions as support rails 20 and 24 as shown in Figure 1. Applicants courteously point out that Figure 18 of the instant application depicts a sink fixture 90 supported by single beam 240. Applicants respectfully submit that, at the time the invention was made, it was well within the skill of the person of ordinary skill in the art to fabricate a single support rail, analogous to the dual system of support rails 20 and 24, that would support sink fixture 90 and maintain an immutable distance between the sink and the supporting wall as claimed in amended Claim 1. Although it does not disclose a sink maintained at an immutable distance from a wall, as claimed in amended Claim 1, such a single support rail is seen in United States Patent No. 599,706 to Heineken which, in Figure 1 depicts a single support rail *b* extending in a vertical direction along a supporting wall *a* to support sink bracket *e*. Applicants respectfully request reconsideration.

The § 103 (a) Rejection of Claim 1

The Examiner has maintained the rejection of Claims 1-4 as unpatentable under 35 U.S.C. § 103 (a) as obvious over United States Patent No. 3,530,513 to Maurer, et al. ("the '513 patent). Applicants have amended independent Claim 1 and respectfully traverse the rejection and request reconsideration.

Applicants have amended independent Claim 1 by substituting the word "immutable" for the word "constant". Immutable is defined as "not capable of or susceptible to change" (www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=immutable) or "unchanging over time or unable to be changed (The New Oxford American Dictionary.) Support for this amendment

Serial No. 09/881,258
Attorney Docket No. RESP:103aUS
Reply to Office Action of November 17, 2003

can be seen in Figures 1-3, 9, 10, and 16 in which a sink is integrated into sink fixture 40 and in which the distance of the sink from the wall is incapable of being changed. Paragraph 0081 of the instant specification has been amended to clarify in text the configuration of sink fixture 40 and the sink integrated into sink fixture 40 and its immutable or unchanging distance from the wall supporting it.

In order to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations. Applicants respectfully submit that the '513 patent fails to teach or suggest all the limitations of amended independent Claim 1. Specifically, Applicants respectfully note that the '513 patent fails to teach the claim limitation claim of a means for moving the sink fixture horizontally with respect to a wall, such that the horizontal moving means is operatively arranged to maintain an immutable distance between the sink of the sink fixture and the wall. In other words, the '513 patent discloses an assembly in which the distance of the sink from the supporting wall is capable of being changed, while amended independent Claim 1 discloses a sink assembly in which the distance of the sink from the supporting wall is incapable of being changed.. This is further supported by the Examiner stating that, "If so desired, the sink is capable of being held steady..." implicitly stating that the distance of the sink disclosed in the '513 patent to its supporting wall is capable of being changed. (Emphasis added.)

Therefore, it can be seen from the discussion above that the Maurer patent fails as a reference under § 103 (a) in that it fails to teach or suggest all the claim limitations of amended independent Claim 1, namely the limitation that the sink and sink fixture are maintained at an immutable or unchangeable distance from the supporting wall. Applicants respectfully request reconsideration.

Claims 2-4 depend from independent Claim 1 and therefore incorporate all the limitations of that claim. If an independent claim is nonobvious under 35 U.S.C. § 103 (a), then any claim depending therefrom is nonobvious. Therefore, Applicants submit that the Maurer patent fails to render Claims 2-4 obvious under § 103 (a) and respectfully request reconsideration.

Serial No. 09/881,258
Attorney Docket No. RESP:103aUS
Reply to Office Action of November 17, 2003

BEST AVAILABLE COPY

Conclusion

In view of the foregoing discussion, it is respectfully submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,



C. Richard Lohrman
Registration No. 46,878
ATTORNEY FOR APPLICANT
Simpson & Simpson PLLC
5555 Main Street
Williamsville, NY 14221
Phone: (716) 626-1564
Fax: (716) 626-0366

Dated: February 2, 2004